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Preparing Halal Tourism Regulations in Indonesia

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Cover Page Footnote

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The study discusses the preparation of halal tourism regulations in Indonesia. The aim is to illustrate the importance of halal tourism regulations and how this may strengthen the Indonesian economy. This study is a qualitative one, using academic books and articles in addition to a review of law and regulations as the analysis method. It demonstrates that halal tourism requires principal regulations to be used as guidelines for halal tourism implementation. These can be used both by halal tourism business operators and tourists as halal tourism consumers. Law Number 33 of 2014 concerning Halal Product Guarantee and Government Regulation Number 31 of 2019 regarding the implementation of Law Number 33 of 2014 Concerning Guaranteed Halal Products are considered inadequate as legal support for the halal tourism industry in Indonesia.

Key Words: halal tourism, Sharia compliance, sociological law, vacuum of regulations

Introduction

Sociological law analysis begins with the premise that norms and legal institutions are rooted in particular communities' specific socio-cultural characteristics (Hirsch, 2018). The factors and processes establish inseparable legal aspects (Lea, 2017), and these affect and are affected by the law, or in other words, they both influence each other (Friedman, 1969). However, this article will be limited to aspects of need for legal rules influenced by societal factors (Fineman, 1989) such as norms, socialisation, identity, collective memory, and social control (Hirsch, 2018).

The need for Islamic legal rules in Islamic countries (Saeed, 2018) like Indonesia as a democratic country (Choi, 2011), can be seen taking place in the general elections and in the way that legal-political processes in

the House of Representatives form legislation. However, Islamic law is located between two poles of Islamic legal thought - modernist and fundamentalist (Yunus *et al.*, 2020), and as a result, this can be a situation of almost endless debate (Darsitun *et al.*, 2020; Moaddel & Talattof, 2002; Stark, 2003). Additionally, the collective awareness of citizens of a nation-state (Alkatiri, 2018; Ivanescu, 2016; Redclift, 2013), which has a sizeable majority of one religion (i.e. Muslims), must view other citizens of different religions to be citizens of the same degree (Bowen *et al.*, 2014; Hernandez Aguilar, 2018).

In the context of the Indonesian economy (Afnarius *et al.*, 2020; Ladiqi *et al.*, 2018), the Halal tourism sector as signified by Islamic marketing and branding (Alserhan, 2016; Temporal, 2011) is one of the most promising sectors (Guild, 2018). Being a Muslim-majority country (Bowen, 2003), this reality is both an opportunity and a

challenge (Rasyid, 2019). It is said to be an opportunity, at least, in sociological law view, as a norm and identity (Hirsch, 2018; Jaelani, 2017; Winarti, 2017); halal tourism has become a world phenomena. This is not only in Indonesia and seems to be a challenge (Satriana & Faridah, 2018) for the regulations governing halal tourism; it can be said, have not been adequate (Djakfar, 2017: 51).

Halal tourism regulations both theoretically and practically have become part of the life of Indonesian Muslims. However, as a state of law and nation-state, Indonesia does not yet have complete halal tourism regulations. Therefore, a government regulation related to halal tourism is needed, legally binding for all Indonesians.

Literature Review

In relation to Islamic economics, some scholars consider that there is still no clear definition regarding halal tourism (Mahamood *et al.*, 2018). Al-Hamarneh (2011), cites Shakry, publisher of the 2001 '*Islamic Tourism*' magazine, as the person who explains most clearly what 'Islam' means in the context of tourism. According to him, Islamic tourism comes from Islamic values (Hassan, 2007; Shakiry, 2006) and includes the following matters:

- first*, **culture**, consisting of the cultivation of Islamic culture and the spread of Islamic values;
- second*, **economy**, in the form of economic benefits for the Islamic community, and;
- third*, **confidence**, as a form of strengthening self-confidence that shows Muslim identity and confidence in dealing with negative stereotypes when compared with other cultures and lifestyles (Al-Hamarneh, 2011).

These aspects are covered in Duman's proposition, which states that halal tourism is all tourism activities by Muslims that originate from Islamic motivations and are realised according to Sharia principles (Duman, 2011; Mahamood *et al.*, 2018).

Tracing the understanding of halal tourism found that two types of sources discuss it. Firstly, sources state that halal tourism is specifically for Muslim tourists (Battour, 2017b). Secondly, many references reveal it as

a form of tourism opened for all; so that the non-Muslim tourists would be enjoy all of the products (Battour, 2016; Ryan, 2016). From a marketing standpoint, the halal tourism industry provides opportunities for non-Muslims to be involved, not only as consumers but also as producers, noting that all products offered are based on Sharia compliance (Temporal, 2011). This is tourism not just identified by means of religion and demographic-based market segmentation (Kotler *et al.*, 2015; Minton & Kahle, 2016; Pires & Stanton, 2015; Rao, 2011). However, while more in-depth discussion is still needed, there is major evidence that halal tourism begins with religious communities' demands for the meeting of their needs (Verma, 2007).

In the Indonesian context, at least, a number of studies of halal tourism have been carried out. The following are some of the main works:

- Syahriza (2014) discusses the meaning of the word 'sara' and its derivation in the Qur'an, as the concept of halal tourism;
- Widagdyo (2015) discusses halal tourism markets in the tourism and hospitality industries in Indonesia;
- Ramadhany and Ridwan (2018) determine the impact of the existence of Islamic tourism to increase income and welfare of society in Lombok
- Ulum (2019) discusses the problem of sharia tourism innovation in Indonesia which is carried out with reference to Fatwa MUI No. 108 / MUI-DSN / X / 2016 about Guidelines for Organizing Sharia Based Tourism;
- Rimet (2019) discusses the sharia tourism development strategy in West Sumatra using SWOT Analysis;
- Busaini (2017) uncovers tourist halal destination in West Nusa Tenggara and recommends a tourism development strategy;
- Zulkarnaini, Zuarni, and Muhammad Arifai (2019) reveal that the local government still has a vast opportunity to reconstruct the tourism potential, to organize the community environment, and to pay attention to a more compatible pattern of creative economy for societies;
- Rindrasih (2019) finds, by using Butler's Tourism Area Life Cycle (TALC) model, that disasters can be the trigger for development of new forms of tourism;

Afnarius, Akbar and Yuliani (2020) report on tourists finding mosques using geographic information systems (GIS). Using GIS to manage and explore places of worship and related information (*Global Penggiat Wisata Indonesia [GPWI]*) can make it easier for Muslim tourists to find mosques, and other tourism objects and facilities around the mosque;

Katuk, Ku-Mahamud, Kayat, Abdul Hamid, Zakaria, and Purbasari (2020) uncover that food operators who have halal certification can be characterised by the number of branches of a business which have, the knowledge of halal tourism and knowledge of the market segment (Katuk *et al.*, 2020). The age of their business was found to not relate to halal certification. In terms of attitudes, the study found that performance beliefs, intention to apply, and target market segment had associated with halal certification.

Despite the range of topics already examined, no one has explicitly discussed the legal certainty of halal tourism in Indonesia. Therefore, this article tries to discuss the need to prepare legislation related to halal tourism in the country.

Method

The research for this article was conducted using qualitative methods (Burton, 2013; Hess, 2014). The data submission technique is done through two types of processes: book review (Curtis, 2005) and documentation (Dobinson & Johns, 2017). Book Review is a data collection technique which was used to identify and collect the main ideas (Snyder, 2019) about halal tourism. Thus, this article examines written data such as books (Ramdhani *et al.*, 2014), journal articles, and other written sources (Palmatier *et al.*, 2018) relating to halal tourism. Review of Documentation is carried out through a review of reported data (Bowen, 2009) in the form of official state documents issued by the State, ruling on halal tourism, namely Law Number 33 of 2014 concerning Halal Product Guarantee, and Government Regulation Number 31, for the Year 2019 Regarding the Implementation of Law Number 33, for the Year 2014 Concerning Guaranteed Halal Products.

Result and Discussion

Halal Tourism

According to *Lonely Planet*, with more than 17,000 islands with diverse cultures, cuisine, and religions, Indonesia offers a kaleidoscope of experiences (Bastock, 2017). However, there is a new tourism potential that is attracting attention because of its recent rapid growth. Based on a form of religion as demographic-based market segmentation (Kotler *et al.*, 2015; Minton & Kahle, 2016; Pires & Stanton, 2015; Rao, 2011), the potential is 'halal tourism' (Al-Hakim *et al.*, 2017; Al-Hamarneh, 2011; Battour, 2017a; Duman, 2011). This is a concrete example given in discussions about religion as demographic-based market segmentation (Alserhan, 2016; Iqbal & Nisha, 2017; Lewis, 2016; Muhamad *et al.*, 2013; Rishi & Subhankar, 2015; Temporal, 2011; Verma, 2007; Wrenn *et al.*, 2010).

In Indonesia, there are several types of tourism motivated by religion. Among these are religious tourism, sharia tourism, and halal tourism. Religious tourism is a tour carried out by a person or group of people to visit places of worship (Kessler, 2015) such as mosques and spiritual treasures (Fournie, 2019). In contrast, sharia tourism is a tour that is specifically carried out by Muslims and only visits places related to their faith (Islam) (Rahmatika & Suman, 2020). As for halal tourism, this is a tour that is not only limited to Muslims and not only limited to places associated with Islam.

Indonesia's halal tourism concept is a tourist activity in general but also observes the sharia principles (Vargas-Sanchez *et al.*, 2020). It is taken as a given that tourist spots are synonymous with fun and contentment, often immorality and worldly entertainment. In an alternative model, however, halal tourism is packaged for visitors that are looking for worldly entertainment, but they can also increase their faith and devotion by being grateful for God's beauty. Accordingly, tourists can avoid polytheism, immorality, waste, exaggeration, and evil actions (Ariffin, 2020).

The variety of tourist destinations in Indonesia is divided into natural, artificial and cultural tourism (Kirom *et al.*, 2018). However, halal tourism can equally be applied in all circumstances, both natural and cultural. Somehow,

culture is the aspect that mostly influences halal tourism trends, both globally and in Indonesia (Djakfar, 2017; Jaelani, 2017; Winarti, 2017). Based on the DSN-MUI Fatwa Number 108 / DSN-MUI / X / 2016. The most important thing in halal tourism is that the tourism activities supported by various facilities and services are following sharia compliance. Tourists can easily perform worship, obtain and consume halal food, lodgings must be equipped with worship equipment, entertainment facilities cannot deviate from sharia principles, therapists need to separate women and men, and so on (Ramdhani *et al.*, 2020).

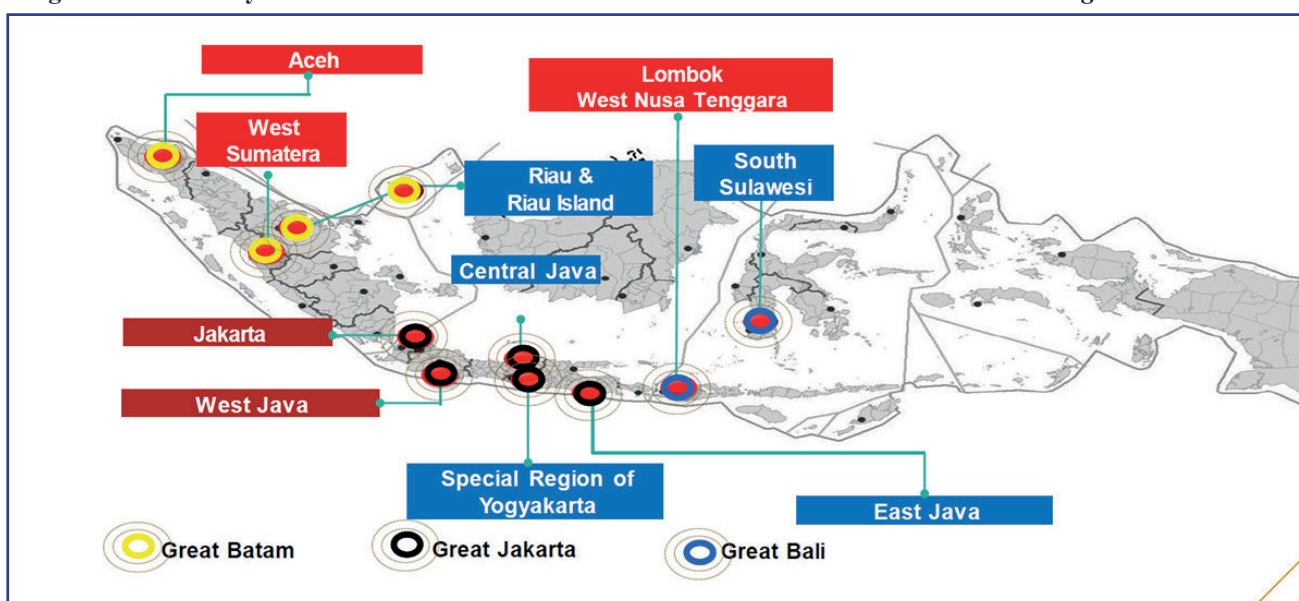
Halal tourism, as part of Indonesia's tourism sector also has a positive impact on the global economy. As stated in the *Global Muslim Travel Index* (GMTI) report in 2018, the Muslim tourist market share proliferates (Nisthar & Mustafa, 2019). In addition, the *State of the Global Islamic Economy* report of 2018/2019 (Report of Cooperation between Thomson Reuters and Dinar Standard) also confirms that the halal tourism sub-sector in 2023 was predicted to increase to USD 274 Billion (Shahar *et al.*, 2019). GMTI research has published a list of countries that Muslim tourists visit. These are classified as either OIC (Organisation of Islamic Cooperation - formerly Organisation of the Islamic Conference) or non-OIC countries (Cuesta-Valiño *et al.*, 2020).

GMTI research also estimates the revenues of halal-certified food companies. In terms of income, halal food is the most significant pillar of the Islamic economy and a mature industry with increasing private investment. The Islamic financial sector also shows steady growth and increased sophistication. This sector is also growing with the hectic variety of digital financial services and crowdfunding services (Khan & Callanan, 2017). Halal tourism in particular, also shows significant growth, with substantial developments in halal beach resorts, halal tourism, particularly airlines, and various online portals that address Muslim needs when traveling (Suradin, 2018).

The positive impact of the increase in halal tourism trends on Indonesia's macroeconomy (Ramadhany & Ridlwan, 2018) can also be seen from the national income perspective. In 2016 it increased by 11%, in 2017, it was 13%, and in 2019 was expected to increase by 15%. Foreign exchanges increased from 172.8 trillion in 2016 and 182 trillion in 2017 to 275 trillion in 2019. While the number of jobs in tourism has risen from 11.7 million in 2016 to 12.4 million in 2017 and by 2019 was targeted to be 13 million people (Kementerian Pariwisata dan Ekonomi Kreatif, 2018).

In an effort to increase halal tourism in Indonesia, 10 destinations were prioritise for the development of halal tourism (See Figure 1) (Ferdiansyah, 2020; Oktadiana *et*

Figure 1: 10 Priority Halal Tourism Destination announced in Indonesia *Halal Tourism Strategic Plan 2019-2024*



(Cited by Putri, 2020)

al., 2018). The ten destinations are Lombok (West Nusa Tenggara), Aceh, Special Capital Region of Jakarta, West Sumatra, West Java, Yogyakarta, Riau and Riau Islands, Central Java, East Java, and South Sulawesi (Adinugraha, 2018; Fitrianto, 2019; Hakim *et al.*, 2017; The Jakarta Post, 2019).

The number of global tourists visiting Indonesia shows significant growth, especially from Malaysia as the main OIC country while China, Singapore, and Australia are major markets for non-OIC countries. At the same time, the Middle East region contains Muslim countries with the largest tourism travel expenditure. So, if Indonesia wants to continue developing halal tourism and attracting more foreign tourists, such as those from the Middle East region, it needs to continue to make improvements from various aspects, such as infrastructure and facilities to technology, human resources to training and development, and one further aspect which is no less important, namely regulation.

Preparing the Regulations: A Sociological Law Analysis

Existing sociological law studies emphasise that socio-cultural factors (Galbin, 2014) are involved in two primary (and interrelated) legal dimensions: behaviour and knowledge (Carvalho *et al.*, 2017). First, these factors influence actors' behaviour in the legal system (e.g., through social norms). Second, sociological factors are involved in producing collective knowledge shared by social groups (e.g., through the collective memory of historical events), influencing the actors' legal behaviour (Hirsch, 2018). Some prominent sociologists have recently highlighted a third level of social action - the cognitive dimension. Cognitive sociology underlines that humans process information in our environment according to socio-cultural factors. The cognitive sociology literature produces significant insights into the relationship between socio-cognitive processes and law regarding the impact of culturally inherent categorisations on compliance with treaties that prohibit, for example, race, gender, and religious discrimination (Hirsch, 2018).

The emergence of religious tourism developed into halal tourism, as a result of applying Muslim behaviour and knowledge to travel. These two things (behaviour and

knowledge) are different, but they are equally influenced by religion (Al-Hakim *et al.*, 2017; Al-Hamarneh, 2011; Duman, 2011; Mahamood *et al.*, 2018). For Muslims, halal tourism is more universal than religious tourism (Widagdyo, 2015) because its destination is broader, and not necessarily related to worship, and specific sacred treasures. Each and every destination can be said to be halal tourism if it meets the Islamic Sharia conditions (Afnarius *et al.*, 2020; Busaini, 2017; Katuk *et al.*, 2020; Syahriza, 2014; Ulum, 2019). Therefore, government policy regarding halal tourism is needed because it regulates, guarantees and protects both the halal tourism operators and users (El-Gohary, 2016).

In Indonesia, the current regulation used by halal tourism is Law No.10 of 2009 concerning Tourism. In Law Number 10 the Year 2009 Chapter II, Article 2 states that Tourism is organized based on the principle of benefits; kinship; fairness and equity; balance; independence; sustainability; participation; sustainability; democracy; equality; and unity. Actually, the principles used by halal tourism can also be found in Article 2, and emphasise the focus of benefits, the guide of kinship, and the direction of fairness and equity ('Law of the Republic of Indonesia Number 10 of 2009 Concerning Tourism,' 2009).

In Chapter II Principle, Function, and Purpose, Article 3 also mentions that tourism functions to fulfil every tourist's physical, spiritual and intellectual needs for recreation and travel while increasing state income to realise people's welfare. Furthermore, Article 4 states that tourism aims to:

- a) increase economic growth;
- b) improve people's welfare;
- c) eradicate poverty;
- d) overcome unemployment;
- e) preserve nature, environment, and resources;
- f) promote culture;
- g) lift the nation's image;
- h) foster a sense of love for the motherland;
- i) strengthen national identity and unity, and;
- j) strengthen the friendship between nations.

Under this article, the description of halal tourism is contained in point f - promoting culture ('Law of the Republic of Indonesia Number 10 of 2009 Concerning Tourism,' 2009).

Chapter III, Article 5 in paragraphs 1, 2, and 3, offers an implicit description of halal tourism. Paragraph 1 states that tourism is organised based on upholding religious norms and cultural values to manifest life's concept in balancing relations between humans and God. This relates to both the relationship between humans and fellow human beings, and the relationship between humans and the environment. Paragraph 2: refers to upholding human rights, cultural diversity, and local wisdom. Paragraph 3: provide benefits for people's welfare, justice, equality, and proportionality ('Law of the Republic of Indonesia Number 10 of 2009 Concerning Tourism,' 2009).

Article 8, paragraph 1 states that tourism development is prepared based on the National Tourism development master plan. The tourism master plan consists of the national tourism development master plan, the provincial tourism development master plan, and the district or master plan of the city for tourism development. Article 8, paragraph 2 explains that tourism development, as referred to in paragraph 1, is an integral part of the national long-term development plan ('Law of the Republic of Indonesia Number 10 of 2009 Concerning Tourism,' 2009).

Article 9 explains that the master plan for national tourism development, as mentioned in paragraph 8 paragraph (1) is considered under Government Regulation. Similar to the Government Regulation, the provincial tourism development master plan is regulated by Provincial Regulation, and the regency or master plan of city tourism development is regulated by Regency / City Regional Regulation ('Law of the Republic of Indonesia Number 10 of 2009 Concerning Tourism,' 2009).

The preparation of the tourism development master plan above is carried out by involving stakeholders. Article 15 states that tourism businesses must have business standards. Tourism entrepreneurs must first register their businesses with the Central Government or Regional Government, with registration procedures following Ministerial Regulations. Workers in tourism must have competency standards. It is stated in Article 26 ('Law of

the Republic of Indonesia Number 10 of 2009 Concerning Tourism,' 2009).

Article 8 of Law No. 10 of 2009, also explained in Government Regulation No. 50 of 2011 concerning the National Tourism Development Master Plan Chapter II Article 2, notes that the scope of Indonesia's tourism covers the institutional, marketing, tourism industry, and Indonesian tourism destinations ('Government Regulation Number 50 Year 2011 concerning the National Tourism Development Master Plan,' 2011). The competency standards that workers must possess in the tourism sector are outlined in Article 26 and also explained in Article 1 of Government Regulation Number 52 of 2012 concerning Competency Certification and Business Certification in the Tourism Sector. This is the competency standard implemented by the Professional Certification Institute and the Tourism Business Standard implemented by the Tourism Certification Business Institute ('Government Regulation No. 52 of 2012 concerning Competency Certification and Business Certification in the Field of Tourism,' 2012).

The field of tourism business is also regulated in Article 14 of Law Number 10 the Year 2009. The business of tourism facilities consists of tourism attraction businesses, tourism areas, accommodation provision, organising entertainment and recreation activities, organising meetings, incentive travel, conferences, exhibitions, spas, and *tirta* (water) travel. The tourism service business consists of tourism transportation services, tour guides, tourism information services, food and beverage services, travel services, and travel consulting services.

Previously the Ministry of Tourism issued 'the Minister of Tourism and Creative Economic Regulation Number 2 of 2014 concerning Guidelines for Sharia Hotel Business Administration'. This Ministerial Regulation explained and standardised the implementation of sharia hotels. This ministerial regulation also explained that the criteria for sharia-based hotels are divided into halal one and halal two. However, due to industry reactions, in 2016, through the Minister of Tourism and Creative Economic Regulation No. 11 of 2016, ministerial Regulation No. 2 of 2014 was officially revoked ('Minister of Tourism Regulation Number 11 Year 2016,' 2016).

Later in 2014, the Government issued Law No. 33 of 2014 concerning Halal Product Guarantees ('Law Number 33 of 2014 concerning Halal Product Guarantee,' 2014). This regulation contains an explanation of the halal business certification process to be carried out by the Halal Product Guarantee Agency or *Badan Penyelenggara Jaminan Produk Halal (BPJPH)*. the Halal Product Guarantee Agency is formed by the Government to organise Halal Product Guarantees. The Halal Product Guarantee Agency can collaborate with the ministry, Institutions of Halal Guarantor or *Lembaga Pemeriksa Halal [LPH]*, and the Indonesian Ulama Council (IUC) (*Majelis Ulama Indonesia [MUI]*).

DSN-MUI Fatwa Number 108 / DSN-MUI / X / 2016 concerning 'Guidelines for Organising Tourism Based on Sharia Principles' is the most comprehensive non-official regulation governing the implementation of halal tourism in Indonesia. The DSN-MUI fatwa consists of various provisions concerning halal tourism, ranging from the parties' requirements, the contract used, provisions related to sharia hotels, tourists, and conditions regarding spas, saunas, massages, and related travel agents. The DSN-MUI fatwa is a non-binding regulation, so what needs to be examined is whether the guidelines issued by an NGO (Non-Governmental Organisation), namely the DSN-MUI can be used as a national reference by various parties such as halal tourism operators. It is important to bear in mind that the State cannot be subject to an NGO's regulations unless the regulation has been changed into law.

Due to the vacuum of regulations related to halal tourism, the Ministry of Tourism finally established Law No. 33 of 2014 as the legal basis for halal tourism in Indonesia. In 2016, Arief Yahya, the Minister of Tourism issued 'Regulation of the Minister of Tourism of the Republic of Indonesia Number 1 of 2016 concerning the Implementation of Tourism Business Certification' ('Minister of Tourism Regulation Number 11 Year 2016,' 2016), in which there are also arrangements regarding the certification of halal tourism businesses.

However, yet again this article related to halal tourism business in the government regulation was revoked (Assistant Deputy for Development of Business and Government Market Segments of the Indonesian

Ministry of Tourism, 2018). So, in September 2019, the Government issued Government Regulation Number 31 of 2019 concerning the Implementation of Law Number 33 of 2014 concerning Halal Product Guarantee ('Government Regulation Number 31 Year 2019 Regarding the Implementation of Law Number 33 Year 2014 Concerning Guaranteed Halal Products,' 2019). This regulation relates to the implementation of the provisions contained in Law Number 33 the Year 2014, including: Article 11 concerning cooperation between the Halal Product Guarantee Agency and related ministries and/or institutions, Institutions of Halal Guarantor and IUC (MUI), Article 16 - Provisions regarding Institutions of Halal Guarantor, Article 21 paragraph (3) concerning the location, place, and Halal Product Guarantee instrument, Article 44 paragraph (3) concerning the cost of halal certification, Article 46 paragraph (3) regarding Halal Product Guarantee cooperation, Article 47 paragraph (4) concerning procedures for international product registration, Article 52 regarding Halal Product Guarantee supervision, and Article 67 paragraph (3), namely provisions regarding types of products that are halal-certified (Cf., Ramdhani *et al.*, 2020).

The provisions of the above articles are further regulated in Government Regulation Number 31 of 2019, related to cooperation between Halal Product Guarantee Agency and related ministries and / or institutions. Institutions of Halal Guarantor and IUC (MUI) are regulated in Chapter II of Cooperation in the Implementation of Halal Products consisting of Article 4 - Article 24; Provisions regarding the Halal Insurance Agency are regulated in Chapter III of the Institutions of Halal Guarantor consisting of Article 30 - Article 42; information regarding the location, place and Institutions of Halal Guarantor instrument are regulated in Chapter IV Location, Place and Halal Product Process Equipment consisting of Article 43 - Article 60; Provisions regarding Halal Certification Fees are held in Chapter V consisting of Articles 61 - 63; provisions regarding the procedure for registration of international products are regulated in Chapter VI Procedures for Registration of Overseas Halal Certificates consisting of Articles 64 - 67; provisions concerning Institutions of Halal Guarantor supervision are held in Chapter VIII regarding Supervision consisting of Article 75 - Article 80; and requirements regarding types of products that

are halal certified are regulated in Chapter VII Stage of Halal Certified Product Types comprised of Articles 68 - Article 74.

The birth of Government Regulation No. 31 of 2019, at least, provides clarity on the inclusion of halal labels in every product circulating in Indonesia. As is well known. Law Number 33 Year 2014, concerning Halal Product Guarantee, is a hot topic in the European Union - Indonesia Business Discussion. Employers consider that the inclusion of halal labels is more appropriate to be voluntary rather than mandatory. After the issuance of Government Regulation No. 31 of 2019, implementing regulations for Law Number 33 of 2014 concerning Halal Product Guarantee, it is clear that this law is legally mandatory. Halal labels must be included in each product circulating - this is mandatory for entrepreneurs in Indonesia. However, legal support is still needed for the tourism sector, given the many aspects of this sector. While most Indonesian people are Muslim.

Conclusion

Halal tourism is a new trend in the tourism world, but it can develop rapidly worldwide and in Indonesia. Tourists, especially Muslim tourists, strongly welcome the halal tourism trend. Today, many countries, including Indonesia, are taking advantage of the trend to attract foreign and domestic tourists. Many things support Indonesia in organising halal tourism, one of which is that the majority of the population is Muslim. However, this can also be a weakness for Indonesia because people consider it easy to organise halal tourism, whereas several important aspects must be supported to correctly implement halal tourism. It is necessary to have comprehensive regulations which govern halal tourism implementation.

From the description above, it can be concluded that the substance of the existing regulations has not met all the legal requirements for halal tourism. The current laws do not specifically regulate halal tourism, so they can only be used as complementary rules and not the main ones. The only regulation that controls halal tourism is the

DSN - MUI Fatwa. In Indonesia, a fatwa is issued by an NGO, not by state institutions, so they do not have the permanent legal force. Therefore, there is a legal vacuum in terms of halal tourism in Indonesia.

The Government can take several steps for legal support in organising halal tourism. Amending law number 10 of 2009 on tourism, issuing government regulations instead of laws, or issuing government regulations containing instructions on managing halal tourism, should be seen as urgent. Upgrading the DSN-MUI Fatwa status to a Regulation of the Minister of Tourism and Creative Economic would be the most sensible Indonesian state decision.

From the explanation above, it can be concluded that the substance of the regulations that serve as legal basis for halal tourism is not comprehensive. That is, these regulations are limited to complementing the implementation of halal tourism in Indonesia. Therefore, halal tourism still requires the principle rules to be used as guidelines in the implementation of halal tourism, so that it can be used both by halal tourism business operators, and tourists as halal tourism consumers.

If regulations regarding halal tourism in Indonesia are related to the DSN-MUI Fatwa, they are non-binding. What needs to be examined is whether the guidelines issued by an NGO, namely the DSN-MUI can be used as a national reference by various parties in considering halal tourism operations? The State cannot be subject to an NGO's regulations unless the regulation has been changed into law. Therefore, according to this study, until now, halal tourism does not have clear and specific rules. The current regulations can only be used as a supplement. In addition, the DSN-MUI Fatwa cannot be used as an appropriate legal basis because it is not a written regulation, so this fatwa needs to be changed into law to become a binding legal force. Examining the substance of all the rules that serve as the legal basis for halal tourism, this study does not find comprehensive regulations regarding halal tourism. That is, these regulations are limited to complementing the implementation of halal tourism in Indonesia.

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